Sri S. NIJALINGAPPA (Chief Minister)—I know Hon'ble Members have been complaining of the long duration during which they have been pleased to sit and co-operate with us. I think we will sit today and tomorrow. We have got a small Bill. We will finish it off.

Sri J. B. MALLARADHYA.—Thank you for the information.

Statement made by the Minister for Revenue to the Press.

Mr. SPEAKER.—We have to take up today the point raised by the Hon'ble Member Sri Mallaradhya. On this point, I find that Sri Mallaradhya, Sri M. C. Narasimhan and Sri Muckkannappa have already spoken. If there is any Hon'ble Member who wants to take part in the discussion on the point raised, I will give only seven minutes in each case.

Sri Y. VEERAPPA (Holenarsipur).—What is the subject?

Mr. SPEAKER.—Appropriateness of the Minister's statement outside the House.

Sri M. P. PATIL (Minister for Revenue).—Sir, I held a press conference on the 5th March, 1958 and explained some points regarding the orders already issued by the Government. Sir, in the case of that Press Conference, some of the Hon'ble Members have taken objection that as that statement was a statement of policy, the Minister ought not to have held the press conference and made that statement in the press conference when the Assembly was sitting.

Sir, the other point raised was about the provision of gomal. There is a scheme sanctioned by the Government for the improvement of gomal and that scheme was sanctioned on 4th March. In my press conference, I referred to that scheme.

Sir, as a matter of fact, that scheme was included in the supplementary Demands and I think the copy of the supplementary Demand was supplied to the House probably on the 6th. Therefore, they took the objection that as the supplementary Demand copy was not supplied to the Members before that date, the Minister ought not to have declared the scheme and the provision made for that scheme in the press conference.

Sir, in this case, I am glad to place all the facts before the Hon'ble House so that the House will be in a position to understand clearly the position which was prevailing at that time.

Sir, in the press conference, I referred to four points. Out of these four points, objection is taken for two points. One is the introduction of non-agricultural assessment in the former Mysore area and the other one is, the improvement of Gomal.

Sir, as far as the non-agricultural assessment is concerned, the Government had issued a notification already on the 21st February 1958 and that notification was published in the Gazette. That notification gives all the details about the assessment to be levied in the whole of the State. Similarly, Sir, a press note was issued about this notification on 1st March 1958. Sir, I held the press conference on 5th March 1958 and in the conference, I drew the attention of the journalists to the rules which had been already published on the 21st February and explained these rules. I did not state anything new in the press conference which was not contained in these rules or in the press note issued on 1st March 1958. Sir, from that point of view, it will be seen that I have not made any new announcement on the 5th March. I simply explained the Rules already notified on the 21st February and contained in the press note

Sir, regarding the gomal scheme, the gomal scheme was sanctioned on 4th March 1958 and in that scheme the provision for Rs. 5,000 was made for the purpose.

Sri J. B. MALLARADHYA (Nanjangud).—Was this order published in the Gazette, Sir?

Sri M. P. PATIL.—It is a Government Order and all Government orders are not published in the Gazette.

Sri C. M. ARUMUGHAM (Kolar Gold Fields).—Government Orders are also published in the Gazette, Sir.

Sri M. P. PATIL.—All Government orders are not . . . .

Sri C. K. RAJAIAH SETTY (Chicknayakanahally).—Sir, when there is an important Bill—the Land Reforms Bill,—a statement on land policy by the Government and the Minister, is objectionable. That is the point at issue.

Sri M. P. PATIL.—There is no question of land policy as such. It is a question of levying non-agricultural assessment. As far as that is concerned, a detailed notification containing these rules have been issued on 21st February 1958 and they have been published in the Gazette. There is no question of any new policy as such in that matter. If there is any new policy, it was decided and notified on 21st February 1958 and that was published in the Gazette.

Sri C. K. RAJAIAH SETTY.—The main idea was that the minimum unit for a man to hold the land as an economic unit. Four acres of land being given to individuals . . . .

Sri M. P. PATIL.—It is non-agricultural assessment. It is not land for agricultural purposes. I request the Hon'ble Member to refer to that press note again. It has nothing to do with grant of land for agricultural purposes. It is only non-agricultural assessment for construction of buildings

Sri C. K. RAJAIAH SETTY.—Whether it was notified to the Members in writing by letter ?

Sri M. P. PATIL.—It was published in the gazette. I said that the notification was published on 21st February. So, if it is considered as a new policy, it was announced on 21st February 1958 and not in the press conference which I held on 5th March.

Sri M. C. NARASIMHAN.—Sir, one of the points to which objection was taken was that even on the 21st February when the Assembly was about to be in session, the Hon'ble Minister should have announced this in a press conference ; that is the point. It was not as if the Government did not know that matter.

Mr. SPEAKER.—The House met not on the 22nd February but on the 24th February.

Sri M. P. PATIL.—It has nothing to do with the meeting of the Assembly. These are rules framed under the Land Revenue Code. Government is entitled to frame these rules and publish at any time. If it were a Bill, I can understand that no Bill should be made public or an ordinance should not be issued during the time the Assembly is sitting. But these are rules framed under the Land Revenue Code and these have been published in the Gazette by notification. It has nothing to do with the meeting of the Assembly.

Sri U. M. MADAPPA.—Is it not a fact that those rules should be placed before the House ?

Sri M. P. PATIL.—I examined that question. Unfortunately in the Land Revenue Code, there is no provision that the Rules should be placed on the table of the House. Otherwise I would have placed them on the Table of the House.

Sri U. M. MADAPPA.—That Code was framed long long ago. . . .

Sri M. P. PATIL.—I cannot help it.

Mr. SPEAKER.—The Hon'ble Member Sri Madappa cannot say that. He can bring another amending Bill in respect of that.

Sri M. P. PATIL.—Regarding the Gomal scheme, it was sanctioned by the Government and the Government Order was issued under R.D. 296—57, dated 4th March 1958. Therein it is stated that sanction has been granted for the implementation of the scheme. Also, in this very order, it is mentioned that a sum of Rs. 5,000 has been sanctioned to cover the expenditure for 1957-58, the amount being debited to the provision made. Necessary provision is made in the Budget for 1958-59 also.

Sri J. B. MALLARADHYA.—Is this Government Order in consonance with the Land Revenue Code or Rules ?

Sri M. P. PATIL.—That is an independent order.

Sri J. B. MALLARADHYA.—Giving Gomal land to villagers—is it not a new policy ; is it provided in the Land Revenue Code ?

Sri M. P. PATIL.—The Hon'ble Member is referring to old Mysore. He is not referring to the integrated area.

Sri U. M. MADAPPA.—This order applies to the entire State. Whether it is old Mysore or new State, it is immaterial.

Sri M. P. PATIL.—The Hon'ble Member is saying only about the old Mysore. I am referring to new Mysore. In Bombay Karnatak area, there is a scheme for the improvement of the gomal. Even in the Village Panchayats Act, it is provided that if any Panchayat asks Government to hand over gomal land to the Panchayat the Government has to comply. This is not a new scheme.

Sri J. B. MALLARADHYA.—My point is whether in the Land Revenue Code or Rules or even in the Village Panchayats Act, any provision exists enabling Government to pass an order without consulting the Assembly.

Mr. SPEAKER.—The Hon'ble Minister saidt hat there was a provision.

Sri J. B. MALLARADHYA.—There is no such provision.

Mr. SPEAKER.—The Minister just now said that there was a Panchayats Act in the integrated area—the Bombay Karnatak,—and under that, action has been taken.

Sri M. C. NARASIMHAN.—How is that relevant, Sir? It applies to Bombay Karnatak area only. But the point raised is that there is no law under which the Mysore Government could take action for the entire State.

Sri M. P. PATIL.—Let me finish. If it is a question whether the Government Order is legal or illegal, that is entirely a separate question. The Government Order was issued. The question is whether it is not proper on my part to refer to the Government Order already issued. I said just now that there was nothing wrong in the Government Order, because there is a provision in the Bombay Karnatak that gomal land hould be given for village improvement. Apart from that, the Bombay Government has issued an order that where the village panchayat comes to take up gomal lands for improvement, such lands should be given to the villages. There is no question of law as such. In old Mysore, I have seen orders issued long ago that the gomal lands should be improved and that the Government should take up that question. There is some difference between the orders issued in the past and now. Under the scheme, it is provided that wherever the panchayat comes forward for improvement of gomal land, it should be given subsidy. That thing is there. Whether I announced a new policy in the Press Conference and whether it is a new policy, I say that the Government had issued an Order on the 4th and I have referred to that order. Whatever I have stated in the Press Conference is already included in the Government Order. I have not made any new statement as such. It is in the Government Order.

Mr. SPEAKER.—May I take it that the statement was made after the issue of the Government Order?

Sri M. P. PATIL.—Yes, Sir. I quoted the same words in my Press Conference and nothing else. Now on the question whether when the session is on, the Minister could make a statement regarding the policy to be followed by the Government, it is not for me to state anything, but it is for you and the Hon'ble House to decide. As far as my case is concerned, I am quite clear that whatever I have stated is not a question of policy, nor have I stated anything new which is not contained in the Government Order. There is no question of any new policy or statement as such. But the question of general application is raised. In that case you and the House may decide and lay down any convention as such. Before coming to conclusion, I would like to place before the House some of the incidents in this connection. As far as I know I do not think that any Indian Legislature including the Parliament has laid down any convention in this connection. Apart from that, I think the Hon'ble Member Sri J. B. Mallaradhya quoted the instance of Madras Legislature where this question was raised and the Finance Minister Mr.

Subramaniam assured the House that whenever a Minister wanted to make a statement of policy, that would be done in the House only. In this case I want to point out to Sri Mallaradhya and all Hon'ble Members that this is not followed in the whole of the country. As a matter of fact, I would like to point out one concrete instance. "On 9th March 1958, the Union Minister for Transport.....

Sri C. J. MUCKANNAPPA.—Is the Hon'ble Minister permitted to read out from the newspaper?

Mr. SPEAKER.—The point is Hon'ble Members should not quote from the newspapers; but if they have made themselves sure that what is stated in the papers is correct, they can quote.

Sri C. J. MUCKANNAPPA.—Then, Sir, if I am sure that what is contained in the papers is true, can I quote?

Mr. SPEAKER.—Before the Hon'ble Member makes use of it, he must make himself sure that it is a fact. Merely because something has appeared in the Press, it cannot be taken as the truth. If the member has made himself sure and feels that it is correct to his knowledge and belief then he can quote.

2-30 P.M.

Sri M. P. PATIL.—I would like to bow to the Hon'ble Member. When they raised the point against me they raised the point relying on the statement which has appeared in the press.

Sri C. J. MUCKANNAPPA.—It is on the basis of the Press Note issued by the Information Officer that we raised the point, not relying on what appeared in 'Deccan Herald' or in the 'Hindu' or in any other paper, but the Minister is relying on some paper which is not an official document.

Mr. SPEAKER.—So far as that question is concerned, I have given a ruling. Of course you have made your position quite clear.

Sri M. P. PATIL.—I never said that what they said was not correct. I admitted it. Regarding this I believe that it is correct. I will therefore produce it. The Union Minister of State for Transport, Sri. Raj Bahadur held the Press Conference on 9th March 1958 when the Parliament was sitting and the subject was this: "Inter-State Transport Commission constituted. Closer Co-ordination and Development envisaged."

> "The Union Minister of State for Transport Mr. Raj Bahadur, announced here to day the constitution of a three-member Inter-State Transport Commission for the purpose of co-ordinating and regulating the operation of transport vehicles on inter-State routes."

The Hon'ble Member will see to what extent this is important and whether it is a statement of policy or not.

> "Addressing a Press Conference, the Minister said that the Commission would be headed by Mr. Nagendra Singh, I.C.S., Joint Secretary, Ministry of Transport..."

The other things are here. This is a case where the Minister for Transport of the Central Government has made a statement which is not only important but also is a statement in which he has announced a policy regarding the State transport. That statement was made in the Press Conference when the Parliament was sitting. I would request Hon'ble Members to look into it.

There is another question. Mr. J. B. Mallaradhya said that in Madras this happened. I would like to tell him what happened in Madras. This is the statement made on 10 March 1958.

> "Ceiling of Land Holdings: Madras legislation soon. Legislation on ceiling on land holdings would be introduced in the current session of the Madras Legislature and referred to a Select Committee."
>
> "This was disclosed by the State's Revenue Minister, Mr. Manickavelu, in a press interview at 'Aduthurai (Tanjore District) yesterday."
>
> "The Minister said that the ceiling would apply only for future

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land holdings and would not affect the present ones. The question whether ceilng should be fixed on the basis of income from land or on the extent of land would be decided soon, he added."

I leave to the Hon'ble Member to decide whether it is a question of policy or not and this statement was made by the Revenue Minister of Madras after the incident which the Hon'ble Member referred to happened in the Council. These are the two points which I am placing before you.

Sri J. B. MALLARADHYA.—What is the date on which Sri Subrahmanyam, the Minister for Finance has made the statement?

Sri M. P. PATIL.—Naturally it must have taken place before Sri Mallaradhya referred to it.

Sri J. B. MALLARADHYA.—In fact, this question of ceiling and all that is not a new question of policy. It is there in the Land Reforms Bill itself.

Sri M. P. PATIL.—I shall read it again. "Legislation on ceiling on land holdings would be introduced..." It is not before the Assembly. These are two instances. Apart from these, a number of such instances can be collected. You might be knowing that many of the Ministers from the Central Government go on tour, they attend Conferences and meetings and whatever statements they make they are naturally important statements and statements of policy and if it is decided that on no occasion, the Minister should make any statement of policy when the Assembly or the Parliament is sitting, I think it may come in the way of discharging their functions. However, I am not the proper person to give a decision; it is for the House and you to decide.

Sri J. B. MALLARADHYA.—The Hon'ble Minister referred to a press statement said to have been made by the Minister for Revenue of the Madras Government in regard to the question of ceiling. That matter has already been referred to by the Governor in his Address to the Legislature. So it does not become a question of policy which the Minister is announcing outside the floor of the House. What the Minister is quoting has no relevancy to the objection raised by me. I am not trying to make a very serious charge.

Mr. SPEAKER.—What have you got to say about the other point *viz* the Central Minister making a statement?

Sri J. B. MALLARADHYA.—We do not know what exactly happened there. If you will give time I shall ascertain what is the date on which that Bill was introduced, whether there was any policy statement involved in it, or not.

Mr. SPEAKER.—All right.

Sri C. J. MUCKANNAPPA.—The Governor in his Address outlines the policy of his Government, what his Government is going to do in the next budget year and so on. The Finance Minister, when he presents the budget, makes a speech about the financial policy of the Government for the budget year. So also, is it not duty of the Revenue Minister to say that this is the policy of the Government regarding a particular thing, whether it is labour policy or any other policy? About the statement of Sri Raj Bahadur and about the statement of Sri Manickavelu, are they really based on a vital issue as a policy statement involving the larger interests of the people?

Mr. SPEAKER.—Whether that involves a matter of policy is for me to decide.

Sri C. J. MUCKANNAPPA.—We do not know much about the convention followed in Madras and in Lok Sabha.

Mr. SPEAKER.—You cannot say that. After all the convention in this respect has to prevail throughout India. There are two matters in this case: whether any matter of policy was involved in the statement made by the Revenue Minister outside the House and if so whether it would amount to any breach of convention. It is left to the Chair to decide.

Sri M. C. NARASIMHAN.—Sir, so far as the question of policy is concerned, one of the points that was raised was that there was a change proposed in the rate of non-agricultural assessment in respect of certain areas *i.e.*, in respect of the Bombay Karnatak area.

So far as this area is concernd, this was a definite change in the matter of policy, though the power was vested under the Bombay Land Revenue Code to impose such a rate. I would like you to determine as to whether such a change in the rate, affecting the lives of large sections of the people would not amount to a matter of policy.

So far as the dates are concerned, they are very relevant. It was issued on 21st February. A notice for convening the Assembly was issued 15 days prior to 22nd February and so it was well within their knowledge and they need not have rushed through in that way.

Mr. SPEAKER.—It is there that you made the mistake. I have to look at the matter from the angle as to whether the House was sitting at that time and whether the statement made by the Hon'ble Minister was a statement of policy. The mere fact that the House was going to sit shortly is not at all a matter for me to consider.

Sri M. P. PATIL.—Sir, the point is entirely missed. On 21st February I had not made any announcement of policy as such. The Government has the right to fix non-agricultural assessment under the Land Revenue Code. The Government considered the matter and revised the rules. Of course, I agree it was an important matter and it was a matter of policy, but it was neither an announcement nor a scheme. It was only a question of framing the rules under the Land Revenue Code. Accordingly, the Government framed the rules and published them in the Gazette on the 21st February. My personal opinion in this matter is that even if the House is sitting, the Government can frame rules and publish them. There is no question of announcement in the House. Of course, I can understand the anxiety of the Hon'ble Members in this matter. Recently, we have taken a decision that whatever publications are issued should be placed on the Table of the House. I considered this question, but unfortunately there is no provision under the Land Revenue Code to place them on the Table of the House. Otherwise, I was prepared to place them on the Table of the House. Even now, if it is allowed, I have no objection to place them on the Table of the House.

Sri M. C. NARASIMHAN.—Lastly, the other issue that was raised was that the Minister had referred in the course of his press statement that about Rs. 5.000 had been allotted for the gomal scheme. That is a breach of privilege. Why should he reveal it in the press conference prior to our knowing it? That is not a proper convention.

Sri M. P. PATIL.—As far as the supplementary demands are concerned, all the Hon'ble Members are aware that the schemes for which supplementary demands are made are not sanctioned in the budget and the supplementary demands are to be sanctioned either to provide more money for the existing schemes or for any scheme which the Government finds it necessary to introduce. So, the Government sanctions the scheme, appropriates the necessary amount from the Contingency Fund and the amount taken from this Fund is recouped by asking for supplementary demands in the Assembly. So, supplementary demands cannot be considered as on a par with the budget.

Sri J. B. MALLARADHYA.—Was it not treated as a new service?

Mr. SPEAKER.—I am not concerned with it.

Sri J. B. MALLARADHYA.—He talks about the fundamentals of the Contingency Fund. We know that. The point is that this has been treated as a new service. I know the importance of gomal.

Sri M. P. PATIL.—Supplementary demand can be asked in order to meet the expenditure upon a new service. Article 205 is clear on this point and it says:

> "When a need has arisen during the current financial year for supplementary or additional expenditure upon some new service not contemplated in the annual financial statement for that year, the Governor shall cause to be laid before the House or Houses of the Legislature of the State another

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statement showing the estimated amount of that expenditure."

Mr. SPEAKER.—New service does not necessarily mean a new policy.

Sri M. P. PATIL.—I shall point out another case. You take the Bangalore Milk Supply Scheme and I would request the Hon'ble Member to read the explanatory note in respect of it. It reads thus:

"Bangalore Milk Supply Scheme was inaugurated from January 1958. This is a post budget scheme. To meet the cost of purchase of milk, a sum of Rs. 2,70,000 was advanced from the Contingency Fund. The present demand is to recoup the same to that Fund. This expenditure is covered by receipts."

So, there is a procedure followed.

Sri J. B. MALLARADHYA.—The Hon'ble Minister was not present when I made the budget speech. I then took exception to this new service. It is not defined in the Constitution. What is the use of taking shelter under that?

Sri M. P. PATIL.—After all, who should define a new service? It should be the legislature. In the absence of a definition by the legislature, it is for the Government to consider what is a new service. When a new service is not defined by the House, it has to be understood in connection with the existing practice. The Public Accounts Committee has defined it.

Sri J. B. MALLARADHYA.—This Legislature has not taken a decision on that matter.

Mr. SPEAKER.—This is not the first budget; this is the third budget which we are passing. Naturally, we have impliedly accepted that position.

ಶ್ರೀ ಯು. ಎಂ. ಪಾಪಡಪ್ಪ.—ಈಗತಾನೆ ಮಂತ್ರಿಗಳು ಹೇಳಿದರು, ಪಾರ್ಲಿಮೆಂಟ್ ನಡೆಯುತ್ತಾ ಇರುವಾಗ ಮತ್ತು ಮದರಾಸ್ ಅಸೆಂಬ್ಲಿ ನಡೆಯುತ್ತಾ ಇರುವಾಗ ಕೇಂದ್ರದ ಮಂತ್ರಿಗಳೊಬ್ಬರು ಮತ್ತು ಮದರಾಸ್ ಮಂತ್ರಿಗಳೊಬ್ಬರು ನಭೆಯ ಹೊರಗಡೆ ಹೇಳಿಕೆ ಕೊಟ್ಟಿದ್ದಾರೆ ಎಂದು. ಆದರೆ ಅವರು ಒಂದು ವಿಷಯ ಮಾತ್ರ ಹೇಳಲಿಲ್ಲ, ಪಾರ್ಲಿಮೆಂಟ್‌ಗಾಗಲಿ ಮದರಾಸ್ ನಭೆಗಾಗಲಿ ಸಂಬಂಧ ಪಟ್ಟ ಮಂತ್ರಿಗಳಾಗಲಿ, ಗವರ್ನರ್‌ಆಗಲೀ, ಪ್ರೈಮ್ ಮಿನಿಸ್ಟರ್ ಆಗಲಿ ಅದಕ್ಕೆ ತಿಳಿಸಿದ್ದರೇ ಎಂಬುದನ್ನು ನಮಗೆ ತಿಳಿಸಲಿಲ್ಲ. ಬರೀ ಪ್ರೆಸ್ ಸ್ಟೇಟ್‌ಮೆಂಟ್ ಮಾಡಿದ್ದಾರೆ ಎಂದಾಕ್ಷಣಕ್ಕೆ ನಭೆಗೆ ತಿಳಿಸಿಲ್ಲ ಎಂದು ತಿಳಿದುಕೊಳ್ಳುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ತಿಳಿಸಿರಬಹುದು ತಿಳಿಸಿದ್ದಾರೆಯೇ ಇಲ್ಲವೇ ಎನ್ನುವ ವಿಷಯ ಅವರು ಏಕೆ ಹೇಳಬಾರದು?

Sri M. P. PATIL.—It is unnecessary to discuss these matters. I have made my suggestions and the Hon'ble Member can also make suggestions and in the light of those suggestions, you may, Sir, establish any convention you want.

MYSORE VILLAGE PANCHAYATS AND LOCAL BOARDS BILL, 1958

Motion to consider (contd.)

Sri M. C. NARASIMHAN (Kolar Gold Fields).—What is the time limit, Sir?

Mr. SPEAKER.—Twenty minutes for each member.

An HON'BLE MEMBER.—If you will kindly see the records you will find that some members from the Treasury Benches have taken more than an hour.

Mr. SPEAKER.—After all, we have to conclude today.

*Sri M. C. NARASIMHAN.—Sir, looking at the observations made by some of the members from the other side, I am confirmed in my impression that this Bill is not as democratic as it should be or as was claimed in the policy statements made by the leaders of the Congress. I hasten to add that this is neither in accord with the proposals of the Balwantrai Mehta Committee, nor in accord with article 40 of the Constitution, nor in accord with the Taxation Enquiry Commission's proposals, nor even in accord with some of the recommendations of the Congress Village Panchayet Enquiry Committee. I shall briefly try to indicate how they are not or in what particular provisions they are not in accordance with these recommendations.

What people demand is democracy and what we have given in terms of this Bill is, really speaking, a truncated democracy. It is more a shadow than substance that is made available